

21 C.J.S. Courts § 209

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Courts

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VI. Rules of Adjudication, Decisions, and Opinions

B. Stare Decisis

2. Courts Making Prior Decision

§ 209. Courts of other states—Construction of other state's law

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  95(2)

In construing or applying provisions of the constitution or statutes of another state, a court should usually follow the decisions of the courts of that state.

If a question concerning the construction or effect of the constitution or statutes of a state arises in the courts of another state, the decisions of the court of last resort of the state in which the provision at issue was promulgated should be followed.¹ This rule is not mandated by the Full Faith and Credit Clause of the Federal Constitution.² Instead, it rests on the doctrine of comity,³ though a court need not apply the doctrine if the highest court of the other state has given different constructions to a statute at different times, and rights may have been acquired under the former construction.⁴

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Footnotes

1

Ark.—*Magnolia Petroleum Co. v. Turner*, 188 Ark. 177, 65 S.W.2d 1 (1933).

Colo.—*U. S. Fidelity & Guaranty Co. v. Industrial Com'n*, 99 Colo. 280, 61 P.2d 1033 (1936).

Mo.—*Rositzky v. Rositzky*, 329 Mo. 662, 46 S.W.2d 591 (1931).

Or.—*Peterson v. Ely*, 279 Or. 581, 569 P.2d 1059 (1977).

Wash.—*Scherer v. Alaska Shamrock Marble Co.*, 185 Wash. 614, 56 P.2d 684 (1936).

2 Mo.—*Esmar v. Haeussler*, 234 Mo. App. 217, 115 S.W.2d 54 (1938).

3 Pa.—*Nesbit v. Clark*, 272 Pa. 161, 116 A. 404, 25 A.L.R. 1406 (1922).

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